

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>DORMAN ANGEL, et al.,</b>	:	<b>Case No. 1:01-CV-467</b>
<b>Plaintiffs,</b>	:	<b>JUDGE BECKWITH</b>
<b>v.</b>	:	<b>MAGISTRATE JUDGE SHERMAN</b>
<b>UNITED PAPERWORKERS INTERNATIONAL, UNION (PACE) LOCAL 1967, UNITED PAPERWORKERS INTERNATIONAL UNION, INTERNATIONAL PAPER COMPANY, et al.,</b>	: : : : : :	
<b>Defendants.</b>		

**DEFENDANT UNITED PAPERWORKERS INTERNATIONAL UNION'S  
REPLY MEMORANDUM IN SUPPORT OF ITS BILL OF COSTS**

Plaintiffs' Memorandum in Response to the Bill of Costs acknowledges that the costs identified by Defendant PACE in its Bill of Costs are recoverable, but requests that the Court delay awarding Defendant its costs until after the Plaintiffs file a petition for a writ of certiorari with the Supreme Court of the United States. Defendant UPIU opposes the requested delay.

Under 28 USC §1920, upon allowance, a bill of costs is to be included in a court's judgment or decree. FRCP 58(a)(2) directs the clerk to prepare, sign and enter a judgment in cases where the Court denies all relief. Under Rule 58(c), entry of a judgment is not ordinarily to be delayed in order to tax costs.

In the instant case, it appears that no Judgment was entered by the District Court reflecting the Court's Orders granting partial dismissal (Documents 61 and 67) and granting Defendant UPIU's Motion for Summary Judgment (Document 117). Plaintiffs filed a Notice of

Appeal, but that Notice did not identify a Judgment Entry from which appeal was taken; instead the Notice made reference to the Court's Orders concerning Defendant's dispositive motions.

Now that the Court of Appeals has issued its decision and mandate (Document 125), the Court should enter Judgment pursuant to FRCP 58, and because Defendant's Bill of Costs is not contested and because taxing those costs will not cause delay, Defendant's costs should be included in the Judgment.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by electronic filing on May 4, 2007, to the following:

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